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July 29, 2003

Mr. Curtis E. Sherrer
United States Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: US Patent Application No.: 09/850,153
Our Docket No.: 1003.001US2
Filing Date: May 8, 2001
Title: STABILIZATION PROCESS FOR COMBINING
ALCOHOL AND ICE CREAM
The Ice Cream Bar, Inc.

Dear Mr. Sherrer:

Required response 7/08/2003 to be made by August 8, 2003.

The Ice Cream Bar, Inc. (ICB) has no interest in claiming anything but the Stabilization Process for Combining Alcohol and Ice Cream in an amount greater than 0.5% alcohol by volume. ICB has no interest in any other use of our methods and techniques other than those indicated for the manufacturer of Blend's® Adult Ice Creams (as seen in www.blendsicecream.com). So, your restrictions on page 2 concerning ice cream would not apply. ICB's concern is in the mass-production of solid, intoxicating ice cream drinks, that taste like classic ice cream drinks now made in bars, restaurants, and homes throughout the United States. Our product does. Not only can Blend's® be manufactured using existing ice cream manufacturing plants, they can also be warehoused, distributed, and merchandised, using existing ice cream processes and systems. The process which is employed for the manufacture of Blend's® ice creams is more expensive than traditional methods; Therefore, the concept that our formulations would be of interest to ice cream manufacturers would not be concurrent with state-of-the-art manufacturing and product formulation methods and techniques --they want to reduce costs, not increase them.

I am the inventor of Blend's®, Daryl J. Orris, Ph.D. My interest in inventing Blend's® was to create a product which was identical to classic ice cream drinks now made in bars, restaurants and homes in the United States. To make a solid form of the product as the current ice cream drink can only be made for immediate consumption. My original hypotheses was that a white mix can be created to accommodate liquors and liqueurs found in ice cream drinks, that would make a frozen solid ice cream drink that could utilize existing ice cream plants, warehouses, distribution systems, and merchandising equipment.

The Ice Cream Bar,™ Inc.

To accomplish this I began by reducing the water and sugar in the white mix and by boosting the solids, and boosting certain stabilizer ingredients to accommodate the added liquid of the distilled spirits flavoring system. And in the white mix, hydrolyze the milk proteins to minimize liquid, making a more viscous mix that would maintain its integrity as ice cream mix and to assist in the maintaining a distinct white mix not altering the flavor profiles of the individual liquors and liqueurs used in ice cream drinks. The first empirical research was conducted at the University of Minnesota Pilot Plant in February 1994. Thirty-three flavors were produced. The next day, week, month, year, proved that the experiment was successful for all thirty-three flavors. I immediately began work on a patent. In May 1994 a patent application was submitted. To date, ICB has invested \$150,000.00 with patent attorneys. And still no patent. ICB has interested retailers who want to buy, but because of antiquated alcohol laws, cannot pre-purchase. So I am forced to go to the investment community. They will not invest because ICB hasn't a patent. Catch 22. ICB is the only company in the world that can mass-produce real ice cream drinks, those invented in the 1850's, popularized in the 1920's (Ice Cream was used to mask bad liquor, a side-effect of prohibition, which is why ice cream drinks are unique to America.) I don't get it. It is impossible to stabilize the alcohol molecule in ice cream -- alcohol melts ice crystals, being volatile, causes the milk protein to breakdown. Those who try make ice cream drinks and freeze them produce a product that collapses or develops worm-holes, or will not become aerated during the freezing process to develop desired over-run, and develop undesired taste profiles. We know how to make it, but can't raise the capital to launch because investors believe that without a patent, large beverage alcohol companies and ice cream companies will immediately put us out of business. Now, Mr. Litman, our counsel has decided not to represent ICB for shares, but now wants cash. What is a guy suppose to do?

In your comment about "by adding alcohol at some other point earlier in an ice cream production process." Do not apply to the current application. To do so would adversely effect the product because alcohol is a volatile chemical that can saturate and/or breakdown other ingredients' elements/mixtures and compounds, thus effecting the ice cream's ability to achieve the desired over-run target (induced air) as well as meet/achieve the flavor/taste targets. And, adding alcohol at an earlier stage could adversely alter the character of the liquors or liqueurs used to make ice cream drinks thus changing the taste profile from the desired taste target, as well as losing control over the alcohol proof/volume. Liquors and liqueurs are complex mixtures with flavor compounds in an aqueous solution -- mixing liquors and liqueurs with ice cream white mix at too early causes a loss of the taste profile and mixture characteristics of both individual mixtures: a.) Adding alcohol in any stage other than at the very last moment possible, subjects the alcohol itself to evaporation and its resulting loss though evaporation, as to lose control of alc/vol and %. - i.e., subjection to air and to heat in either pasteurization or through homogenization; b.) Subjecting ice cream ingredients to alcohol prior to the last possible moment causes individual ice cream ingredients' components undue stress, if not chemical decomposition of the individual elements and comp compounds; c.) Adding alcohol at an earlier stage subjects stabilizers to undue stress and chemical decomposition causing the admixture not to whip in the desired over-run (air); d.) Adding alcohol at an earlier stage subjects the milk protein to the alcohol molecule causing it to breakdown losing its natural emulsion coating - [Making it impossible to induce air into the admixture during the barrel freezing process.]; e.) Stabilizer has been

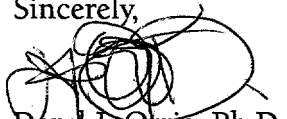
activated, and homogeneously dispersed by pasteurization and homogenization -- alcohol if adding during the preparation of the white mix would neutralize this desired effect by the alcohol molecule coming into contact with the stabilizer components, adversely effecting there intended action, as well causing alcohol loss through evaporation; and, f.) Introducing alcohol at any time other then the last possible moment does not allow for alcohol and white mix homogeneity of the final mixture without adversely effecting the freezing characteristic of the specially formulated white mix with the liquors and liqueurs -- and, to keep the taste integrity of the individual liquors/liqueurs used for flavoring. Chilling of the alcohol prior to adding to the mix tank assists in keeping the liquors/liqueurs intact while still allowing for homogenous dispersion into the admixture and for easier freezing in the barrel.

ICB's process allows for a homogenous admixture that freezes with the desired aeration (over-run) and the desired taste profiles. Each spoonful has the same alcohol content, as required by ATF (now TTB) and has a taste-profile intended (as established by ice cream drink recipes) and, is consistent in texture with regular ice cream. ICB has conducted actual time-studies that demonstrate conclusively that Blend's® maintain their taste-profile and texture for over one year when held at -20° F and still withstand 3 distinct defrost cycles. ICB's Blend's® is an unique product. No one in the world can mass-produce, warehouse, distribute, and merchandise adult ice creams, other than ICB.

I (Dr. Daryl Orris) invented this process. Rylon Chappell, Ph.D. was hired by me to review my formulations, assist in the empirical research, to review the white mix and stabilizer with Charlie Pyne, Ph.D. He, Dr. Chappell added the whey to the stabilizer. We do know that the Veraspro assists in absorbing excess liquid. The extent, is yet to be researched. David Smith, Ph.D. (Ice cream Professor at the University of Minnesota and University of Wisconsin, Madison.) was hired by me to take the process out of the laboratory and put it into mass-production. Remesh Chandan, Ph.D. was hired by me to do aseptic research (Aseptic closed system, whereby alcohol is subjected to heat with aseptic equipment.), but it was found that Aseptic Processing adversely effect the taste-profile and the texture of the finished product -- making this process appropriate, useable only for aseptically packaged or bottled liqueurs. Bill Stoll, Ph.D. was hired by me to test my formulation in soft-serve freezers (Such as Taylor.), which has proved to be another application of this new technology. I invented the process, headed the research team that conducted the empirical research in 1994, and I conducted several other empirical research test concerning the addition of the liquors to the white mix timing prior to freezing. Dr. Smith is now ICB's product expert.

I (Dr. Orris) or Dr. Smith (612/624-3260), can answer any specific question regarding this stabilization process or other such information about the product and company. If you have any questions please contact me at: <info@blendsicecream.com> or 612/339-9442.

Sincerely,



Daryl J. Orris, Ph.D.
Corporate Director

<www.blendsicecream.com>